

**RICHARDS, LAYTON & FINGER**

A PROFESSIONAL ASSOCIATION

ONE RODNEY SQUARE

920 NORTH KING STREET

WILMINGTON, DELAWARE 19801

(302) 651-7700

FAX: (302) 651-7701

WWW.RLF.COM

DIRECT DIAL NUMBER

302-651-7592

FINEMAN@RLF.COM

STEVEN J. FINEMAN

March 19, 2008

**BY ELECTRONIC FILING AND  
VIA HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
for the District of Delaware  
844 North King Street  
Wilmington, Delaware 19801

**Re: OHC Liquidation Trust v. Credit Suisse, et al. (In re Oakwood Homes Corp.), C.A. No. 07-799-JJF**

Dear Judge Farnan:

I write on behalf of all parties to the above-referenced action to seek clarification from the Court with respect to briefing on Defendants' motion for summary judgment.

On February 29, 2008, Defendants filed a motion for partial summary judgment and an opening brief contemporaneously therewith in conformity with Local Rules 7.1.2 and 7.1.3. Defendants anticipated that Plaintiff would file an answering brief pursuant to Local Rules 7.1.2 and 7.1.3. However, Plaintiff understood that, in lieu of an answering brief, it was required to file a counter-statement certifying that genuine issues of material fact exist pursuant to this Court's Summary Judgment Procedure Order (the "Order"). On March 13, 2008, Plaintiff filed such a counter-statement, which contained its certification of the genuine issues of material fact (together with selected record citations) that Plaintiff believes exist.

After conferring, Plaintiff and Defendants have reached an impasse. Defendants believe that this Court's Order requiring a counter-statement is intended for use only in patent cases, is not applicable to the present non-patent proceeding and should not be utilized here. Conversely, Plaintiff believes that the Court has not limited the application of the Order to patent cases, that the Order is applicable in this case, and that the Order's procedures should be utilized here.

The parties respectfully request the Court's guidance as to whether Plaintiff should file an answering brief, or whether Defendants should file a response to Plaintiff's counter-statement. In order to resolve this dispute fairly, and subject to Court approval, the parties have agreed that (i) should the Court require Plaintiff to file an answering brief, Plaintiff may utilize the full ten business days afforded under Local Rule 7.1.2(b) from the date of the Court's ruling; and (ii)

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should the Court require Defendants to file a response to Plaintiff's counter-statement, Defendants may take five business days after the Court's ruling to file such a response.

If Your Honor should have any questions or concerns, counsel remains available at the Court's convenience.

Respectfully,

A handwritten signature in black ink, appearing to read 'St. J. Fineman', with a stylized flourish at the end.

Steven J. Fineman (#4025)

SJF/III

cc: VIA ELECTRONIC MAIL  
R. Paul Wickes, Esquire  
Mary K. Warren, Esquire  
Michael J. Osnato, Jr., Esquire  
J. Justin Williamson, Esquire  
Marla Rosoff Eskin, Esquire  
Tony Castanares, Esquire  
Stephan M. Ray, Esquire  
Scott H. Yun, Esquire  
Whitman L. Holt, Esquire